



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

September 13, 1991

Ms. Elaine Piper
Assistant City Attorney
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79999

OR91-414

Dear Ms. Piper:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 12857.

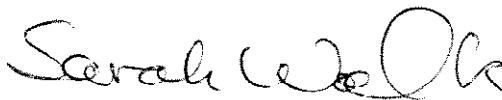
The City of El Paso received an open records request for copies of El Paso Police Department cases involving a particular complainant. You assert that sections 3(a)(1) and 3(a)(8) of the Open Records Act except from required public disclosure all or most of the records you have forwarded to us for review. The type of offense report information identified as public in Open Records Decision No. 127, a copy of which has been enclosed, is not protected under section 3(a)(8). *See also* Open Records Decision Nos. 181 (1977); 366, 394 (1983).

Among the items that may not be withheld under section 3(a)(8) is the name of a complainant. You suggest that in this instance, however, the complainant's name should be withheld under section 3(a)(1), which excepts information deemed confidential by common law privacy. Your question raises the issue whether or not privacy protection should be applied to victims of family violence. *See* Open Records Decision Nos. 393 (1983); 339 (1982) (names of victims of sexual assault may be withheld). In this case a court issued a protective order based on the victim's allegations. The order states that violence has occurred and is likely to occur in the future. Because the order is available to the public, we can not conclude that the fact that spousal abuse may have occurred is a private fact.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published

open records decision. If you have questions about this ruling, please refer to OR91- .

Yours very truly,

A handwritten signature in cursive script, appearing to read "Sarah Woelk".

Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/RNG/lcd

Ref: ID# 12857

Enclosure: Documents; Open Records Decision No. 127.

cc: Juan Gonzalez
3436 Memphis
El Paso, Texas 79930